

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
<i>In re:</i> PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	
_____	)	Civil Action No. 01-12257-PBS
	)	
	)	Hon. Patti B. Saris
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	
<i>United States ex rel. Edward West, et al., v.</i>	)	
<i>Ortho-McNeil Pharmaceutical, Inc. and</i>	)	
<i>Johnson &amp; Johnson.</i>	)	

**PLAINTIFF'S AGREED MOTION FOR EXTENSION OF TIME TO FILE A  
RESPONSE TO DEFENDANTS' MOTION TO DISMISS THE COMPLAINT  
FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff, Edward West, hereby seeks an extension of time up to and including July 9, 2007, to respond to Defendants' Motion to Dismiss the Complaint for Lack of Subject Matter Jurisdiction. Plaintiff requests Defendants' reply memorandum in support of their motion shall be filed on or before July 23, 2007. Defendants' counsel has no objection to this Motion.

On June 11, 2007, Defendants served their motion to dismiss on the Plaintiff. According to Local Rule 7.1(b)(2), absent an extension, the deadline to respond to this motion would be June 25, 2007. Plaintiff seeks an extension of this deadline up to and including July 9, 2007. Plaintiff's counsel conferred with Defendants' counsel regarding an extension. Defendants' counsel has no objection to such extension, provided Defendants' reply memorandum due date is set as July 23, 2007. Accordingly, Plaintiff also seeks an extension of the deadline for Defendants to file a reply memorandum in support of their motion up to and including July 23, 2007.

WHEREFORE, Plaintiff respectfully requests an extension of time to respond to said motion up to and including July 9, 2007 and an extension of time for Defendants to file a reply memorandum in support of their motion up to and including July 23, 2007.

Respectfully submitted,

EDWARD WEST

By: s/ John A. Bruegger  
John A. Bruegger  
SimmonsCooper LLC  
707 Berkshire Blvd.  
East Alton, Illinois 62024  
kbrennan@simmonscooper.com  
(618)259-2222  
(618)259-2251 – Fax

ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

John A. Bruegger, an attorney, hereby certifies that on June 25, 2007, he electronically filed the foregoing documents with the Clerk of the Court for the District of Massachusetts using the court's CM/ECF system.

A copy of the foregoing also has been served on the following individuals by depositing a copy in the U.S. mail, first-class postage pre-paid:

Scott R. Lassar  
Sidley Austin LLP  
One S. Dearborn Street  
Chicago, IL 60603

Scott D. Stein  
Sidley Austin LLP  
One S. Dearborn Street  
Chicago, IL 60603

Jordan S. Ginsberg  
Sidley Austin LLP  
One S. Dearborn Street  
Chicago, IL 60603

George A. Zelcs  
Korein Tillery, LLC  
205 N. Michigan Plaza  
Suite 1950  
Chicago, IL 60601

Samuel S. Miller  
United States Attorney's Office  
219 South Dearborn Street  
Suite 500  
Chicago, IL 60604

Mary Louise Cohen  
Phillips & Cohen LLP  
2000 Massachusetts Ave., N.W.  
Washington, DC 20036

Erika A. Kelton  
Phillips & Cohen LLP  
2000 Massachusetts Ave., N.W.  
Washington, DC 20036

Timothy D. Nimrod  
Gregory Hooggasian, Esq.  
Medicaid Fraud Control Unit  
100 W. Randolph St.  
12<sup>th</sup> Floor  
Chicago, IL 60601

Lisa Madigan  
Attorney General of Illinois  
100 West Randolph Street  
12<sup>th</sup> Floor  
Chicago, IL 60601

Charles J. Crist, Jr.  
The Capitol PL-01  
Tallahassee, FL 32399-1050

M Jane Brady  
Carvel State Office Building  
Consumer Protection-5<sup>th</sup> Floor  
820 North French Street  
Wilmington, DE 19801

Collin Wong  
Bureau of Medi-Cal Fraud  
Office of the Attorney General  
1425 River Park Drive  
Ste. 300  
Sacramento, CA 95815

L Timothy Terry  
Office of the Attorney General  
100 North Carson Street  
Carson City, NV 89701

Randall L. Clouse  
Medicaid Fraud Control Unit  
900 East Main St.  
5<sup>th</sup> Floor  
Richmond, VA 23219

Steven Fermon  
Medicaid Fraud Control Unit Illinois State Police  
200 Isles Park Place  
Ste. 230  
Springfield, IL 62703

Robert Spagnoletti  
District of Columbia Attorney's Office  
Office of Corporation Counsel  
441 4<sup>th</sup> St., NW  
Washington, DC 20001

W Rick Copeland  
Medicaid Fraud Control Unit  
Office of the Attorney General  
Austin, TX 78711

Jerry Kilgore  
Virginia Attorney General  
Office of the Attorney General  
900 E. Main St.  
5<sup>th</sup> Floor  
Richmond, VA 23219

Susan Kennedy  
Medicaid Fraud Control Unit  
Office of DC Inspector General  
Washington, DC 20005

Robert Schlafly  
Medicaid Fraud Control Unit Bureau of Investigations  
901 R.S. Gass Blvd.  
Nashville, TN 37216

Paul G. Summers  
Tennessee Attorney General  
500 Charlotte Avenue  
Nashville, TN 37243

Bill Lockyear  
Office of the Attorney General  
1300 I Street  
Ste. 1740  
Sacramento, CA 95814

Gary K. Senega  
Deputy Attorney General State of Hawaii  
333 Queen Street  
10<sup>th</sup> Floor  
Honolulu, HI 96813

Greg Abbott  
Texas Attorney General  
Office of the Attorney General  
Capital Station, PO BOX 12548  
Austin, TX 78711

/s/ John A. Bruegger